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| 10/642,946 | 08/18/2003 | James W. Ryan | JR-14000-CON | 4300 |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Attachment

The amendments change the scope of the claims by replacing "comprising of" to "consisting of" language for the various fragments claimed. This will require new searches and new considerations for the claimed nucleotide fragments. The other introns, and their fragments have been withdrawn as non-elected inventions and will not be rejoined because the proper searches required for all of the introns claimed, and fragments of all of the introns claimed will indeed pose a serious burden on both the examiner and the PTO facilities in searching all of the patent and non-patent literature data bases. The inclusion of the language "encodes a polypeptide..." into the preamble of the methods claims will not render those claims free of the prior art of record because the prior art would still be found to perform all of the active steps recited in the claims. The finding that the coding region of the genomic nucleic acid encodes human adipocyte enhancer binding protein 1 activity does not preclude as art persons that have sequenced portions of the genomic sequences, regardless of whether they were previously identified as introns, exons, or coding regions.

For these reasons, the proposed amendments have not been entered.